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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

MARTIN REYNADA,

Defendant and Appellant.

E057567

(Super.Ct.No. RIF1205989)

OPINION

APPEAL from the Superior Court of Riverside County. Becky Dugan, Judge.

Affirmed.

Patrick E. DuNah, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Martin Reynada pled guilty to three counts of committing a lewd and lascivious act on a child under the age of 14 with force, fear or violence.

(Pen. Code, § 288, subd. (b)(1).)¹ As to each count, he also admitted to engaging in substantial sexual conduct with the victim. (§ 1203.066, subd. (a)(8).) In return, defendant was sentenced to a total term of 21 years in state prison with credit for time served. Defendant appeals from the judgment, challenging the sentence or other matters occurring after the plea, as well as the validity of the plea or admission. We find no error and affirm.

I

FACTUAL AND PROCEDURAL BACKGROUND²

From January 2009 through August 28, 2012, defendant sexually molested his stepdaughter, commencing when she was 10 years old, while she was asleep in her bedroom, at least once a week. The victim explained that defendant would enter her bedroom at night and orally copulate her and/or digitally penetrate her vagina. The sexual abuse was discovered on August 28, 2012, when the victim's mother found defendant at the foot of the victim's bed with the victim's pants zipper down and the victim asleep.

On August 30, 2012, a felony complaint was filed charging defendant with three counts of committing a lewd and lascivious act on a child under the age of 14 with force, fear or violence. (§ 288, subd. (b)(1), counts 1-3.) The complaint further alleged that as

¹ All further statutory references are to the Penal Code unless otherwise indicated.

² The factual background is taken from the police report.

to each count defendant had engaged in substantial sexual conduct with the victim.
(§ 1203.066, subd. (a)(8).)

On September 11, 2012, in an “open” plea to the court, defendant pled guilty to the sheet as charged with the understanding that he could receive a sentence of up to 30 years in state prison. The trial court found that the plea and admissions were entered into freely and voluntarily and that defendant knowingly and intelligently waived his rights. Defendant was thereafter ordered to be evaluated by a probation officer and psychologist.

The sentencing hearing was held on November 9, 2012. Following arguments from counsel, defendant was sentenced to a total term of 21 years in state prison with credit of 85 days for time served.

On November 14, 2012, defendant filed a notice of appeal, challenging the sentence or other matters occurring after the plea, as well as the validity of the plea or admission, and a request for certificate of probable cause. The trial court denied the request for certificate of probable cause.

II

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

III

DISPOSITION

The judgment is affirmed.

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RAMIREZ

P. J.

We concur:

MILLER

J.

CODRINGTON

J.